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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,225	11/20/2001	Tony F. Rodriguez	P0490	4167
23735	7590	12/29/2005	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			O STEEN, DAVID R	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,225	RODRIGUEZ, TONY F.	
	Examiner	Art Unit	
	David R. O'Steen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6-19-2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Tewfik (US 6,272,634). As regards Claim 1, Tewfik discloses an interactive video origination system employing a layered architecture (such as the internet) (col. 1, lines 38-43), such system enhancing video content through associated computer data (such as authorial data) (col. 3, lines 34-36), one of the said layers including a watermark encoder for in-band watermarking of the video content with said associated computer data (fig. 4.28).

As regards Claim 3, Tewfik discloses an interactive video consumer system employing a layered architecture (such as the internet) (col. 1, lines 38-43), such system providing enhanced consumer experience through computer data associated with video content (such as authorial data) (col. 3, lines 34-36), one of the said layers including a watermark decoder for decoding said computer data from in-band video content (col. 1, lines 56-58).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tewfik (US 6,272,634) in view of Zenith (US 6,519,771). As regards Claims 2 and 4, Tewfik discloses the system of Claims 1 and 3, but does not disclose that it is ATVEF compliant. Zenith discloses an ATVEF compliant system (col. 5, lines 8-13).

Tewfik and Zenith are analogous art because they both come from the same field of endeavor, namely the field of interactive multimedia distribution.


At the time of invention, it would have been obvious to a person of ordinary skill in the art to make the watermarking system of Tewfik ATVEF compliant so that it is a part of a widely supported, non-proprietary standard.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steinhorn and Kohler (1999) disclose various interactive video systems that utilize the ATVEF standard for embedding data in their broadcasts. Swanson et al. (1997) discuss a way of hiding data in a video transmission using methods similar to watermarking. They disclose a method of hiding in different types of media (video, text, hypertext, etc.) in a variety of transmissions including interactive digital television. Szepanski (1978) also discloses a method of embedding data in the video portion of a television process as opposed to hiding it in the Vertical Blinking

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Interval (VBI). Mercier (US 6,865,747) discloses a method for storing and interacting with media that includes embedding watermarks. Arnalds (US 6,093,880) discloses how digital watermarking can be used to store ownership rights in an audio transmission. Kovac (US 2001/0056573) discloses a method of using watermarking in the context of advertising.


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